

USPTO Customer No. 25280

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REMARKS

Claims 32, 39, 44, and 49 have been amended. Claims 38, 42, 43, and 45 have been cancelled without prejudice or disclaimer.

Claim 32 has been amended to include the limitations of claims 38, 42, 43, and 45.

Claims 39 and 44 have been amended to depend from claim 32.

Claim 49 has been amended to call for the dust control mat of claim 32.

Rejections under 35 USC 103

Claims 32-45 and 48-50 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,630,414 to MATSUMOTO in view of DE 29603229U to WUNDERLICH and JP 08-224205 to ASAHI.

Applicants respectfully believe that none of the references disclose the particular claimed invention of amended claim 32. For example, the second fabric layer has a substantially closed structure of polyester yarns vulcanized to a nitrile rubber backing.

It appears that the fabrics of MATSUMOTO, WUNDERLICH, and ASAHI have a fabric (3-D net, 3-D textile, double knit fabric, respectively) with a mesh (open) upper and lower layer. In contrast to the claimed invention, their upper and lower layers have similar mesh constructions.

Thus, MATSUMOTO does not teach the present invention with the exception of the construction of the floor mat.

Applicants submit that there is no rationale, teaching, suggestion, or motivation to combine the references and that, even if such references were combined, they would fail to teach all of the limitations of the claims.

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Moreover, the MATSUMOTO reference discusses the use of two net fabrics stacked on one another (Col. 22, lines 54-57). MATSUMOTO continues that "the abutting portions of the mesh webs function as reinforcing layers, so that though the composite structural material is thick and high in void content, its shape retainability, structural stability, and pressure resistance are satisfactorily retained. For this reason... it can be suitably used for various applications in, for example, ... materials for various mats such as floor mats..." (Col. 22, line 63 – Col. 23, line 4). Thus, MATSUMOTO appears to teach that composites of two net fabrics may be used as materials for floor mats, although the reference fails to teach how such may be accomplished. Such a construction falls outside the scope of independent Claims 32 and 49, which were earlier amended to recite that the textile layer is a single layer consisting of a spacer fabric.

Finally, the MATSUMOTO, WUNDERLICH and ASAHI references fail to teach that a side of a spacer fabric that is substantially closed is bonded to the rubber backing (as in Claim 32) and, consequently, that the side of the spacer fabric with large openings is the face of the mat (as in Claim 49).

Applicants submit that no *prima facie* case of obviousness exists. Accordingly, Applicant respectfully requests the withdrawal of such rejection.

Claims 46, 47, and 51-53 were rejected under 35 USC 103(a) as being unpatentable over MATSUMOTO in view of WUNDERLICH and ASAHI, as applied to Claims 32 and 49 above, and in further view of US Patent Application Publication No. 2001-0044249 to DeMOTT.

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Claims 46, 47, and 51-53 are directed to the printing of images on the face of the textile layer. The addition of DeMOTT, which teaches transfer printing of a plush fabric, does not overcome the shortcomings of the MATSUMOTO, WUNDERLICH and ASAH reference. Furthermore, Applicants respectfully disagree with the position of the Office that it would have been obvious to print on a spacer fabric having relatively large openings, when the MATSUMOTO reference does not provide any motivation for such a modification.

Because the combination fails to teach all of the limitations of the claims and because there is no rationale, teaching, suggestion, or motivation to combine the claims, based on the explicit or implicit disclosures of the references, Applicant respectfully submits that no *prima facie* case of obviousness exists. For this reason, Applicant requests the withdrawal of such rejection.

CONCLUSION

In view of the previous amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Entry of this Amendment, reconsideration of the subject matter of the claims in light of the above Remarks, and issuance of a formal Notice of Allowability of such claims is courteously solicited.

Should any issues remain after consideration of these Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be resolved promptly and satisfactorily.

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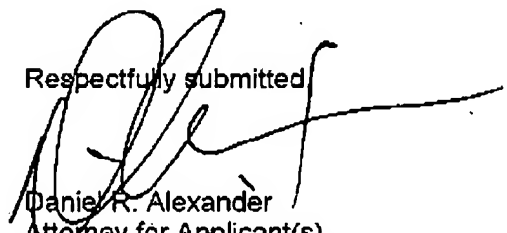
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In the event that there are fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

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Respectfully submitted



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